

Remarks

Reconsideration of this Application is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

I. Status of the Claims

Claims 31-122 are pending in the application, with 31-35, 52, 70, 89, and 106 being the independent claims. No amendments are made to the claims at this time, and no new matter is introduced.

II. Amendments

Applicants have amended the specification to update the relationship of the instant application to its parent application which is now a U.S. Patent (Pat. No. 6,723,549), as suggested by the Examiner. This change is believed to introduce no new matter, and its entry is respectfully requested.

III. Objection of the Specification

At page 2 of the Office Action, the Examiner states that the relationship of the instant application to its parent application has not been updated. Applicants respectfully traverse the objection.

On both the Filing Receipt of April 12, 2004, and the corrected Filing Receipt of April 27, 2004, the patent number of the parent application (08/841,636) has been entered as Pat. No. 6,723,549. Furthermore, on the face page of the published

application (U.S. Pub. No.: US2004/0142444 A1), the parent application (No. 08/841,636) and its updated patent number (6,723,549) are displayed under the section of "Related U.S. Application Data." Accordingly, the objection is improper. Nevertheless, solely to expedite prosecution and not in acquiescence to the propriety of the objection, Applicants have amended the specification to include the issued patent number, "(now Pat. No. 6,723,549)", in the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

IV. Objection to the Drawings

At page 2 of the Office Action, the Examiner has objected to the sequences depicted in Figures 19, 21, 23, and 27, on the ground that their respective SEQ ID NOS are not fully identified. Applicants again traverse the objection.

The respective SEQ ID NOS are fully identified in the preliminary amendment, filed on February 20, 2004, and were reviewed by the previous Examiner, as evidenced at the Summary page of the Office Action issued on April 14, 2006. More specifically, Figures 19A and B correspond to SEQ ID NOS: 30 and 31; Figures 21A, B, and C correspond to SEQ ID NOS: 32 and 33; Figures 23A, B, and C correspond to SEQ ID NOS: 34 and 35; and Figure 27 corresponds to SEQ ID NOS: 36 and 37. These amendments were made under the sections of "Brief Description of the Figures" and "Detailed Description of the Preferred Embodiments" of the specification. *See* pages 4-5 of the preliminary amendment, filed February 24, 2004.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the Drawings.

V. Sequence Compliance and Claim Objections

At pages 2-3 of the Office Action, the Examiner states that Applicants are required to insert the sequence identification numbers of all sequences recited within the claims and/or specification, particularly the appropriate SEQ ID NOs for Figures 19, 21, 23, and 27. Similarly, the Examiner states that claims 31-122 have been objected to on the ground that the amino acid sequences in Figures 23A-C are not numbered and they do not have any SEQ ID NOs allocated to them. As stated above, the corresponding SEQ ID NOs have been fully identified in the amended specification in the preliminary amendment, filed on February 20, 2004. (*See "Brief Description of the Figures" and "Detailed Description of the Preferred Embodiments "* of the specification, pages 4-5 of the preliminary amendment).

The objections are therefore improper and should be withdrawn.

VI. Rejection Under 35 U.S.C. § 112, First Paragraph

At pages 3-4 of the Office Action, the Examiner has rejected claims 32 and 34-122 under 35 U.S.C. § 112, first paragraph, on the ground that new matter has been introduced into the claims. More specifically, the Examiner alleges that there is no support in the specification that either the amino acid sequence or the polynucleotide sequence is "95% identical" to SEQ ID NO: 35 or the sequence depicted in Figures 23A-

C or amino acids 23-452 of SEQ ID NO: 35 or the sequence depicted in Figures 23A-C or SEQ ID NO: 34. Applicants respectfully traverse the rejection.

The support for the % homology language can be found, *inter alia*, at page 11, lines 15-27 of the specification. There, it states that an equivalent amino acid sequence, for example, "contains at least 80%-99% identity at the amino acid level to the specific amino acid sequence, most preferably at least 90% and in an especially highly preferable embodiment, at least 95% identi[t]y, at the amino acid level." Specification at page 11, lines 23-27. Applicants point out that the claims that recite "95% identity" do so in reference to the amino acid sequences in Figure 23A-C and SEQ ID NO:35 (e.g., ". . . at least 95% identity to the amino acid sequence set forth in Figure 23A-C and SEQ ID NO:35. . . ." or ". . . the amino acids 23-452 of the amino acid sequence set forth in Figures 23A-C and SEQ ID NO:35. . . ." or ". . . the nucleic acid encoding a cellulase having at least 95% identity to the amino acid sequence set forth in Figures 23A-C and SEQ ID NO:35. . . "). Accordingly, the claims are fully consistent with the support in the specification. Furthermore, the amendment to "95% identity was explicitly suggested by the Examiner, who stated that it would be allowed. See page 4 of the Office Action, mailed October 24, 2006. In addition, the issue of % homology was discussed in the reply to the previous Office Action, filed on August 14, 2006. Specific citation of the page and line numbers in the specification were included. See page 26 of the Office Action Reply for Office Action of April 14, 2006.

Accordingly, no new matter was introduced into the claims, and the rejection of claims 32 and 34-122 under 35 U.S.C. § 112 is improper. Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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